

REMARKS

The foregoing amendments and these remarks are responsive to the Office Action mailed October 22, 2004 in connection with the above-identified application. The Applicant is pleased to note that the application is in condition for allowance except for formal matters, and that prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Claim Objections

In the Action, the Examiner stated that claims 1-19 would be allowable if rewritten to overcome the objections set forth in the Action. In the foregoing amendments, the Applicant has amended the claims as follows:

In claims 1 and 12, the Examiner objected to the phrase “said austenite/martensite phase” as having insufficient antecedent basis. The Applicant has amended the phrase to read -- said phase transformation -- . This phrase as amended has proper antecedent basis in both claims 1 and 12. As required by the Examiner, the word “transition” has been replaced with -- transformation-- in claims 1 and 12.

In claim 5, the Examiner objected to the limitation “said at least one helical spring” as lacking antecedent basis from base claim 1. The instantly amended claim 5 now depends from claim 4, instead of claim 1, thus providing proper antecedent basis for this limitation.

Claims 6 and 17 were objected to for being incomplete for omitting essential structural

cooperative relationships of elements. The Examiner stated that there is no structural relationship between the second helical spring and the other claimed elements, i.e. between the second helical spring and the other claimed elements. Accordingly, the Applicant has amended claims 6 and 17 to recite that the second helical spring is --coaxially positioned on the upper end of said connecting rod adjacent said lower retaining member and concentrically arranged with said first helical spring --. This description is supported by the specification and the drawings as filed, no new matter is presented.

The Applicant has amended claims 12 and 13 to replace "MS" and "AF" with --M_S-- and --A_F-- as required by the Examiner.

Drawing Objections

In the Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they did not include reference number 19 from the description. In response to the Examiner's objection, the Applicant submits herewith replacement sheets containing Figs. 1 and 2 which have been corrected to include reference number 19.

The drawings were also objected to under 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner stated that the second helical spring claimed in claims 6 and 17 must be shown or canceled from the claims.

The second helical spring is shown in the original drawings as filed, however it was not

labeled with reference number. In response to the objection, the Applicant has corrected drawing Figure 2 to include a reference number and corresponding lead line which point out the second helical spring as element 39. In the foregoing amendments, the specification has been amended to refer to the second helical spring as element 39. In the corrected drawings, the lead line for the first helical spring 29 has been emphasized to more clearly emphasize that the inner spring is being indicated.

Conclusion

In the foregoing amendments, the Applicant has addressed all objections made by the Examiner. The Applicant respectfully submits that the application now stands in condition for allowance. The Examiner is requested to telephone the undersigned in order to discuss any further objections, allowing Applicant to expedite a response.

Respectfully submitted,

MCHALE & SLAVIN, P.A.

12/7/04
Date



Leah C. Saar
Reg. No. 54,417

McHale & Slavin, P.A.
2855 PGA Blvd.
Palm Beach Gardens, FL 33410
(561) 625-6575 - VOICE
(561) 625-6572 - FAX

Application No. 10/722,286
Reply to Office Action dated 10/22/04

Amendments to the Drawings

In the drawings, please substitute the enclosed Replacement Sheets containing Figs. 1-6 in the drawings as filed (9 sheets).